IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 6210 of 2007
Date of decision : December 03, 2007

Sushil Kumar

....Petitioner

versus

Smt. Lalita Pasricha

....Respondent

Coram: Hon'ble Mr. Justice Pritam Pal

Present : Mr. Gaurav Mohunta, Advocate, for the petitioner

Pritam Pal,J. (Oral)

Petitioner has brought this revision petition under Article 227 of the Constitution of India for quashing of impugned order dated 25.9.2007 passed by learned Rent Controller, Chandigarh vide which his defence has been struck off under Order 8 Rule 1 CPC.

Learned counsel for the petitioner contends that here in the instant case, the written statement was already placed on the file on 12.9.2007 whereas the defence for non-filing of written statement was struck off on 25.9.2007. In such a situation, the learned Rent Controller should not have struck off the defence of the petitioner-tenant. In support of his arguments, he relies upon **Gulshan vs Asha Taneja** (2006-2) PLR 425.

In view of the aforesaid law laid down by this Court, I feel that no notice is required to be served upon the respondent-landlord. Accordingly, this petition is disposed of with a direction that written statement already filed by the petitioner shall be treated as having been filed in time, subject to payment of costs of Rs 3000/-.

(Pritam Pal)
Judge

December 03, 2007
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